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EXAMINER	
HUYNH, THU V	
ART UNIT	**PAPER NUMBER**
2178	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/785,292	CICCHITELLI ET AL.	
	Examiner	Art Unit	
	Thu V. Huynh	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) *14-18,27 and 32* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13, 19-27, 28-31 and 33-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment filed on 08/22/2005 to application filed on 02/20/2001 which has priority filed on 02/28/2000.

2. Claims 1, 4, 19, 25-26, 28, 30-31 are amended.

3. Claims 1-34 are pending in the case. Claims 1-13, 19-26, 28-31, and 33-34 have elected for examination.

4. The rejections of claims 1-13, 19-22, 25-26, 28, 30-31, and 33 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, have been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 19-22, 28 and 33 remain rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg, US 5,499,366 patented 03/1996.

Regarding independent claim 19, Rosenberg teaches the steps of:

- receiving the one or more texts, and information associated with the one or more texts (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);

- automatically selecting one or more fonts from the collection of fonts, based on the associated information received with the one or more texts (Rosenberg, col.11, lines 39-57 and fig.4; suggested fonts is searched based on scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text); and
- setting the font of the one or more texts to one the selected one or more fonts (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to headline, body, or footnote text in the page document).

Regarding dependent claim 20, which is dependent on claim 19. Rosenberg teaches wherein the one or more texts have predefined font attributes and said setting step includes replacing the predefined font attributes with the set font (Rosenberg, col.11, lines 39-57 and fig.4, Rosenberg teaches graphic user interface includes "default font" as predefined font used to apply for portion of text in the page if the user does not make selection on scales 401A-401C for request of suggested fonts; user selects a suggested font solution and activate apply button to apply selected font into the text of a page document).

Regarding dependent claim 21, which is dependent on claim 19. Rosenberg teaches wherein said automatic selection step includes selecting one font from the collection of fonts (Rosenberg, col.7, lines 1-10, lines 54-61; col.11, lines 47-56; and figure 4; searching fonts in database based on analyzed scale keywords 401A-401B); and said setting step includes automatically setting the font of the one or more texts to the automatically selected font (Rosenberg, col.7, lines 45-67; col.11, lines 39-57; and figure 4, one of suggested fonts is

automatically applied to headline text in the page document, since the constraints "headline" is marked).

Regarding dependent claim 22, which is dependent on claim 19. Rosenberg wherein said setting step includes:

- manually selecting one of the automatically selected fonts by a user (Rosenberg, col.11, lines 39-57 and fig.4, "user selects a suggested font solution" to apply into text);
- setting the font of the one or more objects to the manually selected font (Rosenberg, col.11, lines 39-57 and fig.4, user selects a suggested font solution and activate apply button to apply selected font into text of a page document).

Claim 28 is for an apparatus performing the method of claim 19 and is rejected under the same rationale.

Claim 33 is for a computer program performing the method of claim 19 and is rejected under the same rationale.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> (b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. **Claims 1-13, 25-26, 30 and 31 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg, US 5,499,366 patented 03/1996 in view of Morag, US 6,324,545 B1, filed 10/1997.**

Regarding independent claim 1, Rosenberg teaches the steps of:

- receiving the one or more texts, and information associated with the one or more text (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);
- automatically selecting one or more fonts from said collection of fonts, based on information provided with one or more text in output pages or documents (Rosenberg, abstract; col.11, lines 39-57; figure 4; suggested fonts is searched based on scale keywords 401A-401C and rejection constraints); and
- setting the font of the one or more captions to one the selected one or more fonts (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to particular text portion in the page document).

Rosenberg teaches automatically selecting appropriate font for text of a document based on the text's associated information as explained above. Rosenberg discloses the document has one or more images (Rosenberg, col.7, lines 62-67). However, Rosenberg does not explicitly teach automatically selecting one or more fonts based on associated information with one or more *images*.

Morag teaches automatically selecting themes (styles for documents) based on information associated with one or more images, wherein the one or more images have associate

information, such as label text which are attached to image(s) (Morag, col.1, line 64 – col.2, line 6; col.2, lines 41-50; and col.9, lines 10-13).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Morag and Rosenberg to provide fonts and/or themes based on information associated such as headline text, footnote or label text, since label text is one kind of texts and both Rosenberg and Morag teach automatic provide themes/style for output documents based on output documents' characteristics (see Rosenberg's figures 1 and 3). Rosenberg's design context would have augmented Morag's features in album applications. As Rosenberg disclosed in col.7, lines 45-53.

Regarding dependent claim 2, which is dependent on claim 1, Rosenberg and Morag teach the limitations of claim 1 as explained above. Refer to the rationale relied reject claim 1, the limitation of "wherein the one or more images comprises one image" is included. The rationale is incorporated herein.

Regarding dependent claim 3, which is dependent on claim 2, Rosenberg and Morag teach the limitations of claim 2 as explained above. Rosenberg teaches wherein said information may comprise one or more of the following: time of day, location information, user provided keywords; and color information (Rosenberg, fig.4 and col.11, lines 39-57, user selects scale keywords 401A-401C for searching fonts; Morag, col.1, line 64 – col.2, line 6, images are arranged based on color and/or time).

Regarding independent claim 4, Rosenberg teaches the steps of:

- receiving the one or more texts, and meta-data associated with the one or more texts (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);
- analyzing the meta-data received with one or more text documents to determine a key feature amongst the meta-data (Rosenberg, col.9, line 58- col.10, line 35; and col.11, lines 39-54; analyzing scale value and rejection constraints to select the most appropriate suggested fonts); and
- searching a library of fonts, each font having a set of one or more associated key features (Rosenberg, col.7, lines 1-10, lines 54-61; and col.11, lines 47-56; searching fonts in database based on analyzed scale keyword and rejection constraints);
- automatically selecting one or more fonts from the font library having an associated key feature best matching the determined key feature (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and rejection constraints to provide closed match fonts to the user);
- setting a font of the one or more captions to one of the selected one or more fonts (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to particular text portion in the document).

Rosenberg teaches automatically selecting appropriate font for text of a document based on the text's associated information. Rosenberg discloses the document includes image(s)

(Rosenberg, col.7, lines 62-67). However, Rosenberg does not explicitly teach automatically selecting one or more fonts based on associated information with one or more *images*.

Morag teaches automatically selecting themes (styles for documents) based on information associated with one or more images, wherein the one or more images have associate information, such as label text which are attached to image(s) (Morag, col.1, line 64 – col.2, line 6; col.2, lines 41-50; and col.9, lines 10-13).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Morag and Rosenberg to provide fonts and/or themes based on information associated, such as headline text, footnote or label text, since label text is one kind of texts and both Rosenberg and Morag teach automatic provide themes/style for output documents based on output documents' characteristics (see Rosenberg's figures 1 and 3). Rosenberg's design context would have augmented Morag's features in album applications. As Rosenberg disclosed in col.7, lines 45-53.

Regarding dependent claim 5, which is dependent on claim 4. Rosenberg teaches wherein the key feature comprises one of the following: (a) same date and time within a particular range; (b) same date and location; (c) same keyword matching; (d) same date and keyword; and (e) same color similarities (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and provide closed match fonts to the user; Morag, col.1, line 64 – col.2, line 6, images are arranged based key feature such as color and/or time).

Regarding dependent claim 6, which is dependent on claim 4. Rosenberg further teaches inserting and displaying the one or more captions associated with the one or more images in a predefined default font, prior to said analyzing step (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics; and fig.4 Rosenberg teaches graphic user interface includes "default font" as predefined font used to apply for portion of text in the page if the user does not make selection on scale keywords 401A-401C; Morag, col.7, lines 15-25; default parameter values are used if no instruction are provided).

Regarding dependent claim 7, which is dependent on claim 6, Rosenberg and Morag teach the limitations of claim 6 as explained above. Rosenberg teaches wherein said setting step includes:

- replacing the predefined default font with one of the selected one or more fonts (Rosenberg, col.11, lines 39-56, one of suggested fonts is applied to the text instead of default font);
- displaying the one or more captions associated with the one or more images in the replaced font (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics; col.11, lines 39-56; and figures 10A-10F, one of suggested fonts is applied to the text instead of default font on a page document which includes graphics).

Regarding dependent claim 8, which is dependent on claim 4. Rosenberg further teaches inserting and displaying the one or more captions associated with the one or more images in one of selected on or more font (Rosenberg, col.7, lines 62-67, a page includes text and

associated graphics; col.11, lines 39-56 and figures 10A-10F, one of suggested fonts is applied to the text of a page document which includes graphics).

Regarding dependent claim 9, which is dependent on claim 6, the combination of Rosenberg and Morag teaches providing suggested fonts based on metadata associated with one or more images as explained above. Rosenberg teaches graphic user interface includes "default font" as predefined font used to apply for portion of text in the page if a user does not make selection on scale keywords 401A-401C and Morag, col.7, lines 15-25 teaches default parameter values are used if no instruction are provided. These suggest that default font is used for text captions if information used to select fonts is not provide or unable to find.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Morag and Rosenberg's teaching to provide a default font if meta-data associated with on or more images is not found, since if there is no suggested fonts are found based on metadata associated with one or more image, a default font is used.

Regarding dependent claim 10, which is dependent on claim 6, the combination of Rosenberg and Morag teaches providing suggested fonts based on metadata associated with one or more images as explained above. Rosenberg teaches graphic user interface includes "default font" as predefined font used to apply for portion of text in the page if a user does not make selection on scale keywords 401A-401C and solutions that do not satisfy rejection constraints are eliminated (Rosenberg, abstract). Morag, col.7, lines 15-25 teaches default parameter values are

used if no instruction are provided. These suggest that default font is used for text captions if solutions that do not meet the search criteria or unable to find the best matching key feature.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Morag and Rosenberg's teaching to provide a default font if unable to find a best matching key feature, since if there is no suggested fonts are found based on the searching, a default font is used.

Regarding dependent claim 11, which is dependent on claim 4. Rosenberg teaches wherein the one or more images comprise a plurality of images (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics); and step analyzing step comprises analyzing meta-data associated with the plurality of texts to find a most common key feature amongst the meta-data (Rosenberg, col.10, lines 1-37); and said selecting step comprises selecting one of fonts of the font library having an associate said key feature best matching the common key feature (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and provide closed match fonts to the user).

Morag teaches wherein the one or more images comprise a plurality of images (Morag, col.4, lines 1-24 and col.7, lines 25 – col.8, lines 25 and col.13, lines 15-20) analyzing step comprises analyzing meta-data associated with the plurality of images to find a most common key feature amongst the meta-data (Morag, col.5, lines 14-15; col.7, lines 25 – col.8, lines 25 and col.13, lines 15-20); selecting step comprises selecting one of themes of the themes library having an associate said key feature best matching the common key feature (Morag, col.2, lines 21-50 and col.13, lines 15-25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Morag and Rosenberg to provide fonts and/or themes based on information associated with one or more document, image documents, or images, since both Rosenberg and Morag teach automatic provide themes/style for output documents based on output documents' characteristics (see Rosenberg's figures 1 and 3). Rosenberg's design context would have augmented Morag's features in album applications. As Rosenberg disclosed in col.7, lines 45-53.

Regarding dependent claim 12, which is dependent on claim 4. Rosenberg teaches wherein said automatic selection step includes selecting one said font of the font library having an associated said key feature best matching the said determined key feature (Rosenberg, col.7, lines 1-10, lines 54-61; col.11, lines 47-56; and figure 4; searching fonts in database based on analyzed scale keywords 401A-401B) and said setting step automatically sets a font of the one or more captions to said selected font (Rosenberg, col.7, lines 45-67; col.11, lines 39-57; and figure 4, one of suggested fonts is automatically applied to headline text in the page document, since the constraints "headline" is marked).

Regarding dependent claim 13, which is dependent on claim 4. Rosenberg teaches wherein said setting step includes:

- manually selecting one of the automatically selected fonts by a user (Rosenberg, col.11, lines 39-57 and fig.4, "user selects a suggested font solution" to apply into text); and

- setting the font of the one or more captions to the manually selected font (Rosenberg, col.11, lines 39-57 and fig.4, user selects a suggested font solution and activate apply button to apply selected font into text of a page document).

Claims 25 and 26 are for an apparatus performing the method of claims 1 and 4, respectively and are rejected under the same rationale.

Claims 30 and 31 are for a computer program performing the method of claims 1 and 4, respectively and are rejected under the same rationale.

9. **Claims 23, 29 and 34 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg, US 5,499,366 patented 03/1996 in view of Maddalozzo, Jr. et al., US 5,787,254, patented 07/1998.**

Regarding independent claim 23, Rosenberg teaches the steps of:

- locating one or more texts, wherein the one or more texts have associated information (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);
- automatically selecting one font from the collection of fonts, based on the associated information of the one or more texts (Rosenberg, col.11, lines 39-57 and fig.4; suggested fonts is searched based on scale keywords 401A-401C associated with headline, body, or footnote text in a page document); and

- replacing the initial font of the one or more texts to one the selected font (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to headline, body, or footnote text in the page document).

Rosenberg does not explicitly disclose the texts are hyperlink texts. However, Rosenberg teaches fonts are automatically selected based on characteristics associated with several kinds of text, such as headline, body, and footnote text.

Maddalozzo teaches changing initial font of hypertext links that indicate a latency attribute characteristic (Maddalozzo, col.10, lines 50-52).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Maddalozzo and Rosenberg to automatically selecting one or more fonts from said collections of fonts, based on information associated with one or more hyperlink texts, since it would have provided suggested fonts for also latency hyperlink texts which are one kind of texts.

Claim 29 is for an apparatus performing the method of claim 23 and is rejected under the same rationale.

Claim 34 is for a computer program performing the method of claim 23 and is rejected under the same rationale.

10. **Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg view of Maddalozzo as applied to claim 23 above, and further in view of Morag, US 6,324,545 B1, filed 10/1997.**

Regarding dependent claim 24, which is dependent on claim 23, Rosenberg and Maddalozzo teaches the limitations of claim 23 as explained above. Rosenberg does not explicitly teach wherein said information comprises the type and content of the hyperlink texts. However, Rosenberg teaches information comprise the type of the texts (Rosenberg, fig.4, "informal", "formal", etc. and "headline", "body", ect.).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Rosenberg teaching to include information comprises the type of the hyperlink texts, since fonts are selected based on the hyperlink texts' characteristics.

However, Rosenberg does not explicitly disclose that information comprise the content of the texts.

Morag teaches analyzing content, weight, color, time, etc. of one or more images to automatically selecting themes for a page document (Morag, col.1, line 64 – col.2, line 6; col.2, lines 41-50; and col.9, lines 10-13).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Morag's teaching into Rosenberg and Maddalozzo's teaching to provide fonts based on content of the hyperlink texts, since content is one of information is analyzed besides other information such as type to automatically select suggested fonts providing to the user.

11. **Claims 1-10, 12-13, 25-26, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg, US 5,499,366 patented 03/1996 in view of Balogh et al., US 5,493,677, filed 06/1994.**

Regarding independent claim 1, Rosenberg teaches the steps of:

- receiving the one or more texts, and information with the one or more texts (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);
- automatically selecting one or more fonts from the collection of fonts, based on associated information received with one or more text in output pages or documents (Rosenberg, abstract; col.11, lines 39-57; figure 4; suggested fonts is searched based on scale keywords 401A-401C and rejection constraints); and
- setting the font of the one or more captions to one the selected one or more fonts (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to particular text portion in the page document).

Rosenberg teaches automatically selecting appropriate font for text of a document based on the text's associated information. However, Rosenberg does not explicitly disclose automatically selecting one or more fonts based on associated information received with one or more *images*.

Balogh teaches one or more images have associated information, such as caption text, is displayed for the user (Balogh, figures 2, box 250 and 260; figures 14 and 16; col.17, lines 16-19,45-48).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Balogh into Rosenberg to provide vary associated information (rejection constraints), such as Balogh's caption text besides Rosenberg's headline

text, or footnote text for the document, since caption text is one kind of texts and the combination would have provided suggested fonts, which are searched based different types of text in the document as Rosenberg disclosed that a document includes text, graphics, etc. (Rosenberg, col.7, lines 62-67), the rejection constraints are able to be other factors (Rosenberg, col.9, lines 29-31) and Rosenberg's invention is "used in other design contexts or in any applications" (Rosenberg, col.7, lines 45-53).

Regarding dependent claim 2, which is dependent on claim 1. Refer to the rationale relied reject claim 1, the limitation of "wherein the one or more images comprises one image" is included. The rationale is incorporated herein.

Regarding dependent claim 3, which is dependent on claim 2. Rosenberg teaches wherein said information may comprise one or more of the following: time of day, location information, user provided keywords; and color information (Rosenberg, fig.4 and col.11, lines 39-57, user selects scale keywords 401A-401C for searching fonts).

Regarding independent claim 4, Rosenberg teaches the steps of:

- receiving the one or more texts, and meta-data associated with the one or more texts have associated (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57; receiving document having scale keywords 401A-401C and rejection constraints headline text, body of text, or footnote text associated with the document);

- analyzing meta-data received with one or more text documents to determine a key feature amongst the meta-data (Rosenberg, col.9, line 58- col.10, line 35; and col.11, lines 39-54; analyzing scale value and rejection constraints to select the most appropriate suggested fonts); and
- searching a library of fonts, each font having a set of one or more associated key features (Rosenberg, col.7, lines 1-10, lines 54-61; and col.11, lines 47-56; searching fonts in database based on analyzed scale keyword and rejection constraints);
- automatically selecting one or more fonts from the font library having an associated key feature best matching determined key feature (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and rejection constraints to provide closed match fonts to the user);
- setting a font of the one or more captions to one of the selected one or more font (Rosenberg, col.7, lines 45-67 and col.11, lines 39-57, one of suggested fonts is applied to particular text portion in the document).

Rosenberg teaches automatically selecting appropriate font for text of a document based on the text's associated information. However, Rosenberg does not explicitly disclose automatically selecting one or more fonts based on associated information received with one or more *images*.

Balogh teaches one or more image documents have associated information, such as caption text, is displayed for the user (Balogh, figures 2, box 250 and 260; figures 14 and 16; col.17, lines 16-19,45-48).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Balogh into Rosenberg to provide vary associated information (rejection constraints), such as Balogh's caption text besides Rosenberg's headline text, or footnote text for documents, image documents or images, since caption text is one kind of texts and the combination would have provided suggested fonts, which are searched based different types of text of documents, image documents, or images, as Rosenberg disclosed that the rejection constraints are able to be other factors (Rosenberg, col.9, lines 29-31) and Rosenberg's invention is "used in other design contexts or in any applications" (Rosenberg, col.7, lines 45-53).

Regarding dependent claim 5, which is dependent on claim 4. Rosenberg teaches wherein the key feature comprises one of the following: (a) same date and time within a particular range; (b) same date and location; (c) same keyword matching; (d) same date and keyword; and (e) same color similarities (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and provide closed match fonts to the user).

Regarding dependent claim 6, which is dependent on claim 4. Rosenberg further teaches inserting and displaying the one or more captions associated with the one or more images in a predefined default font, prior to said analyzing step (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics; and fig.4 Rosenberg teaches graphic user interface includes "default font" as predefined font used to apply for portion of text in the page if the user does not make selection on scale keywords 401A-401C).

Regarding dependent claim 7, which is dependent on claim 6. Rosenberg teaches wherein said setting step includes:

- replacing the predefined default font with one of the selected one or more fonts (Rosenberg, col.11, lines 39-56, one of suggested fonts is applied to the text instead of default font);
- displaying the one or more captions associated with the one or more images in the replaced font (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics; col.11, lines 39-56; and figures 10A-10F, one of suggested fonts is applied to the text instead of default font on a page document which includes graphics).

Regarding dependent claim 8, which is dependent on claim 4. Rosenberg further teaches inserting and displaying the one or more captions associated with the one or more images in one of selected on or more font (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics; col.11, lines 39-56 and figures 10A-10F, one of suggested fonts is applied to the text of a page document which includes graphics).

Regarding dependent claim 9, which is dependent on claim 6, the combination of Rosenberg and Balogh teaches providing suggested fonts based on metadata associated with one or more images as explained above. Rosenberg teaches graphic user interface includes "default font" (Rosenberg, fig.4) as predefined font used to apply for portion of text in the page if a user does not make selection on scale keywords 401A-401C. This suggests that default font is used

for text captions if the information associated with the text or image documents used to select fonts is not provide or unable to find.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Rosenberg's teaching to provide a default font if meta-data associated with on or more images or texts is not found, since if there is no suggested fonts are found based on metadata associated with one or more image or text, a default font is used.

Regarding dependent claim 10, which is dependent on claim 6, the combination of Rosenberg and Balogh teaches providing suggested fonts based on metadata associated with one or more images as explained above. Rosenberg teaches graphic user interface includes "default font" (Rosenberg, fig.4) as predefined font used to apply for portion of text in the page if a user does not make selection on scale keywords 401A-401C and solutions that do not satisfy rejection constraints are eliminated (Rosenberg, abstract).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Rosenberg's teaching to provide a default font if unable to find a best matching key feature, since if there is no suggested fonts are found based on the searching, a default font is used.

Regarding dependent claim 12, which is dependent on claim 4. Rosenberg teaches wherein said automatic selection step includes selecting one font from the font library having an associated key feature best matching the said determined key feature (Rosenberg, col.7, lines 1-10, lines 54-61; col.11, lines 47-56; and figure 4; searching fonts in database based on analyzed

scale keywords 401A-401B) and said setting step automatically sets a font of the one or more captions to the selected font (Rosenberg, col.7, lines 45-67; col.11, lines 39-57; and figure 4, one of suggested fonts is automatically applied to headline text in the page document, since the constraints "headline" is marked).

Regarding dependent claim 13, which is dependent on claim 4. Rosenberg teaches wherein said setting step includes:

- manually selecting one of the automatically selected fonts by a user (Rosenberg, col.11, lines 39-57 and fig.4, "user selects a suggested font solution" to apply into text); and
- setting the font of the one or more captions to the manually selected font (Rosenberg, col.11, lines 39-57 and fig.4, user selects a suggested font solution and activate apply button to apply selected font into text of a page document).

Claims 25 and 26 are for an apparatus performing the method of claims 1 and 4, respectively and are rejected under the same rationale.

Claims 30 and 31 are for a computer program performing the method of claims 1 and 4, respectively and are rejected under the same rationale.

12. **Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg in view of Balogh as applied to claim 4 above, and further in view of Morag, US 6,324,545 B1, filed 10/1997.**

Regarding dependent claim 11, which is dependent on claim 4. Rosenberg teaches wherein the one or more images comprise a plurality of images (Rosenberg, col.7, lines 62-67, a page includes text and associated graphics); and step analyzing step includes analyzing meta-data

associated with the plurality of texts to find a most common key feature amongst the meta-data (Rosenberg, col.10, lines 1-37); and said automatic selection step includes selecting one of fonts of the font library having an associate said key feature best matching the common key feature (Rosenberg, col.7, lines 1-61; and col.11, lines 47-56; searching fonts in database based on scale keywords and provide closed match fonts to the user).

Morag teaches wherein the one or more images comprise a plurality of images (Morag, col.4, lines 1-24 and col.7, lines 25 – col.8, lines 25 and col.13, lines 15-20) analyzing step comprises analyzing meta-data associated with the plurality of images to find a most common key feature amongst the meta-data (Morag, col.5, lines 14-15; col.7, lines 25 – col.8, lines 25 and col.13, lines 15-20); selecting step comprises selecting one of themes of the themes library having an associate said key feature best matching the common key feature (Morag, col.2, lines 21-50 and col.13, lines 15-25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Morag and Rosenberg to provide fonts and/or themes based on information associated with one or more document, image documents, or images, since both Rosenberg and Morag teach automatic provide themes/style for output documents based on output documents' characteristics (see Rosenberg's figures 1 and 3). Rosenberg's design context would have augmented Morag's features in album applications. As Rosenberg disclosed in col.7, lines 45.

Response to Arguments

13. Applicant's arguments filed 04/04/05 have been fully considered but they are not persuasive.

Applicants argue that "the scale keywords and rejection constraints do not constitute information associated with one or more texts" and "the master pages are set up without reference to any particular document".

This is not persuasive. Rosenberg teaches identifying solutions for master page layouts, fonts, colors, chart layout, ect. (Rosenberg, col.7, lines 54-56). For identifying solutions for fonts, Rosenberg teaches a user selects desired semantic scales (401A-401C) and rejection constrains (Headline, Body, or Footnote) and activate the advise button. The system will provide a list of font names that are potential solutions. The user selects one of font names and activate apply button to apply the selected font into the presentation document (Rosenberg, col.11, lines 39-57). Rosenberg teaches "selection of master page layouts and fonts **for a presentation document**" (Rosenberg, col.12, lines 31-35) and "select[ing] appropriate fonts **for the text on the presentation document**" (Rosenberg, col.14 lines 40-41). In Rosenberg's teaching, the system receives the text of the presentation document as well as the desired semantic scales (401A-401C) and rejection constrains (Headline, Body, or Footnote) **for the text of the presentation document**. The desired semantic scales and rejection constrains for the text of the presentation document is the information that relates/connects with the text of the presentation document so that when activate the apply button the selected font with desired semantic scales and rejection constrains is applied to the text in the presentation document, not the text of other presentation document(s).

Applicants argue that Rosenberg teaches "the search is based on inputs provide by the user".

Examiner agrees that Rosenberg teaches the search is based on inputs provide by the user. However, the inputs are information associated with the text of the presentation document as explained above.

Applicants argue that "if the design template is applied to a document that does not have a headline, the selected headline font will simply not be used. This is further evidence that the search procedure of Rosenberg et al. is not based on the information associated with a particular document".

This is not persuasive. Applicants provide the argument without citing any portion of Rosenberg. Therefore, these are the assumption from the applicants, not in Rosenberg. As explained above, when the user selects desired semantic scales and headline constrain, a list of font names that are potential solutions based on the user selections. The user select a font name and activates the apply button to apply the selected font into the text of the presentation of the document.

Applicants argue that "claim 19 of the present invention, combines text with associated information, allowing the automatic selection of an appropriate font without the user having to make design choices".

It is noted that limitation "without the user having to make design choices" is not claimed in claim 19.

Applicants argue that Morag, Maddalozzo, Balogh does not remedy the deficiencies of Rosenberg.

However, Rosenberg teaches the limitation of claim 19 as as explained above.

Applicants argue that no motivation to combine Balogh and Rosenberg.

This is not persuasive. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Balogh into Rosenberg to provide vary associated information (rejection constraints), such as Balogh's caption text besides Rosenberg's headline text, or footnote text for the document, since caption text is one kind of texts and the combination would have provided suggested fonts, which are searched based different types of text in the document as Rosenberg disclosed that a document includes text, graphics, etc. (Rosenberg, col.7, lines 62-67), the rejection constraints are able to be other factors (Rosenberg, col.9, lines 29-31) and Rosenberg's invention is "used in other design contexts or in any applications" (Rosenberg, col.7, lines 45-53).

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V. Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH
December 23, 2005

STEPHEN HONG
SUPERVISORY PATENT EXAMINER